

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Timothy M. Keiser *et al.*
Application No. : **09/465,607**
Confirmation No. : 9080
Filed : December 17, 1999
For : **COMPUTER-IMPLEMENTED SECURITIES
TRADING SYSTEM**
Group Art Unit : 3691
Examiner : Clement Graham
Attorney Docket No. : 98-HSX001-C1
Customer No. : 63710

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUMMARY OF INTERVIEWS AND OTHER DISCUSSIONS

Dear Commissioner:

As used herein, "we," "us," and/or "our" refer to the present Applicant.

The undersigned spoke with Examiner Graham and Primary Examiner Kazimi several times regarding the present application.

During a brief telephone discussion on June 16, 2010, the undersigned tentatively scheduled an interview with the Examiner and Primary Examiner Hani Kazimi for July 21, 2010. During the course of two brief telephone conversations between the undersigned and Examiner Graham on July 15, 2010 and July 19, 2010, the interview date of July 21, 2010 was confirmed.

On July 21, 2010, in a telephone interview, Examiner Graham and Primary Examiner Kazimi and the undersigned discussed the present application, as well as two other pending applications.

The undersigned explained to the Examiners that, notwithstanding any current rejections in the present application and in no way conceding the propriety of any current rejections in the present application, we would like to work with the United States Patent and Trademark Office to find common agreement to move the present application to allowance. Primary Examiner Kazimi in particular requested that the undersigned prepare and file Terminal Disclaimers on behalf of Applicants with respect to the two other pending applications under discussion. The undersigned and the Examiners also generally discussed potential claim language in the present application. No references were discussed. No agreement was reached, but the Examiners agreed to review and consider proposed amendments from the undersigned in the present application and the two other pending applications, notwithstanding the particular stage of prosecution in a particular pending application (e.g., after non-final Office Action, after final Office Action).

To advance prosecution and obtain early issuance of some subject matter this year rather than potentially forgo the issuance of any subject matter at all this year, the Terminal Disclaimers for the present application were provided to the U.S. Patent and Trademark Office as requested on June 23, 2010. On June 26, 2010, in a brief telephone discussion with Examiner Graham, the undersigned explained that Terminal Disclaimers in the present application were filed on June 23, 2010.

On July 27, 2010, in a brief telephone conversation, the undersigned spoke generally with Examiner Graham regarding preparation of a proposed amendment.

Later that day, the undersigned sent proposed new claims to Examiner Graham and Primary Examiner Kazimi via electronic mail.

In two brief telephone conversations between the undersigned and Examiner Graham on July 30, 2010 and August 3, 2010, another interview with Examiner Graham and Primary Examiner Kazimi was tentatively scheduled for on or about August 10, 2010.

On August 4, 2010, the undersigned sent replacement proposed new claims to Examiner Graham and Primary Examiner Kazimi via electronic mail.

On August 10, 2010, in a second telephone interview, Examiner Graham and Primary Examiner Kazimi and the undersigned discussed the present application, as well as two other pending applications.

During the second telephone interview, the undersigned and the Examiners generally discussed the replacement proposed new claims in the present application. No agreement was reached. The Examiners requested that the undersigned file supplemental amendments in the present application and the two other pending applications. The undersigned agreed to do so in one of the two other pending applications.

On August 16, 2010, the undersigned filed a Supplemental Amendment.

On August 18, 2010, the undersigned sent a copy of the Supplemental Amendment dated August 16, 2010 to the Examiners.

In brief telephone discussions between the undersigned and Examiner Graham on August 18, 2010, and August 19, 2010, the undersigned explained that the Supplemental Amendment dated August 16, 2010 was on file and that the undersigned looked forward to working with Examiner Graham and Primary Examiner Kazimi in the present application.

In a brief telephone discussion on August 26, 2010 between the undersigned and Primary Examiner Kazimi, Primary Examiner Kazimi explained that he would be out of the office for at least a few weeks, after which he and Examiner Graham expected to work with the undersigned to look at results of an updated search that Primary Examiner Kazimi expected Examiner Graham to order on the claims in the Supplemental Amendment dated August 16, 2010.

The undersigned left voice mail messages for Examiner Graham in August and September 2010 to confirm status.

On October 27, 2010, the undersigned left a voice mail message for Examiner Graham that went unreturned.

On November 9, 2010, the undersigned contacted Examiner Graham via telephone and received confirmation that at least one Office Action in one of the three related application under discussion for the last several months was being sent out. The undersigned expressed to Examiner Graham his surprise at learning that an Office Action was being sent out when, notwithstanding the Examiner's internal deadlines to send out Office Actions, the plan had been for Examiner Graham and Primary Examiner Kazimi to discuss the claims and any potential rejections with the undersigned before an Office Action was sent out, and the undersigned's agreement to file Terminal Disclaimers in the three related applications was based and conditioned at least in part on what the undersigned had understood to be an agreement to work with the Examiners.

On December 16, 2010, a Final Office Action was sent out by Examiner Graham.

We do not necessarily concede any “prior art” status of any references discussed during any interview or discussion referenced above or herein. We do not necessarily agree with or acquiesce in any characterization of any claim term or rejection of any claim that Primary Examiner Robinson-Boyce may have made in any Interview Summary or during the pendency of the present patent application. Any amendment language discussed during any interview or any amendments presented for entry here are intended to advance prosecution toward an earlier allowance and/or satisfy our current business objectives.

The undersigned greatly appreciates Examiner Graham's time and Primary Examiner Kazimi's time in speaking with the undersigned regarding the present application.

Respectfully submitted,

Dated: February 28, 2011

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